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MAY 23 2011

In re Application of	:	PCT LEGAL ADMINISTRATION
Buyukbas et al.	:	
Application No.: 10/551,726	:	
PCT No.: PCT/DE2004/000064	:	
Int. Filing Date: 20 January 2004	:	DECISION
Priority Date: 03 April 2003	:	
Attorney Docket No.: TM005	:	
For: Arrangement For Electrical Connection	:	

This is in response to the petitions under 37 CFR 1.181 and 1.137(b) filed on 17 February 2011.

BACKGROUND

This international application was filed on 20 January 2004, claimed an earlier priority date of 03 April 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 21 October 2004. Accordingly, the period for payment of the basic national fee in the United States expired as of midnight on 03 October 2005. Applicants filed *inter alia* a basic national fee on 03 October 2005.

On 11 May 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 03 July 2006, applicants filed a response, including a declaration and the surcharge.

On 28 August 2006, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed, indicating the declaration to be defective because the "spelling of the first inventor's family name on the declaration does not correspond with the name that is on the published application."

On 26 September 2006, applicants filed a response, including a declaration.

On 14 July 2008, a Notice of Abandonment (Form PCT/DO/EO/909) was mailed.

DISCUSSION

Petition Under 37 CFR 1.181

Petitioner requests withdrawal of the holding of abandonment as improper because "According to 37 CFR 1.67(a) (2) a defective oath or declaration where only one inventor's name or information is incorrect requires only that the inventor that corresponds with the problem need sign the corrected oath." Inspection of the declaration filed on 26 September 2006 reveals that it nominates and was signed by joint inventor Buyukbas, the same name as appears on the published international application. However, said declaration was not acceptable because it did not nominate the entire inventive entity. It is also noted that the declaration filed on 03 July 2006 was defective for the additional reason that it appears to have been assembled by aggregating separately signed sheets into a single document, which was not acceptable under the policy then in effect. See MPEP 605.04(a) ("While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. >Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the

signature pages).<“). In view of these facts, it would not be appropriate to conclude that the Notice of Abandonment was issued in error, and therefore, it would not be appropriate to withdraw the holding of abandonment.

Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed on 17 February 2011 in the above-captioned application is hereby **DISMISSED**, without prejudice, as follows:

Petitioner states that “the delay from the abandonment was unintentional,” and alludes to statements of unintentional delay made in certain cases by Mr. Hallacher. However, the instant petition does not include a clear statement that “the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.”

A review of the application file reveals that applicant has paid the petition fee. The required reply (an oath or declaration compliant with 37 CFR 1.497(a) and (b)) has not been filed, for the reasons discussed above. No terminal disclaimer is required. Therefore, it would not be appropriate to grant the requested relief on the basis of the present record.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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